

**REMARKS**

Claims 1-16 are all the claims pending in the application.

**I. Claim Rejections under 35 U.S.C. § 112**

Claims 1 is rejected under 35 U.S.C. § 112, second paragraph, for reciting the limitation “the transmission” in line 1, which allegedly lacks antecedent basis.

In view of the self-explanatory amendment to claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection.

**II. Claim Rejections under 35 U.S.C. § 103**

Claims 1, 2, 4, 8-10 and 12-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallmeier (U.S. Patent No. 6,553,033; hereinafter “Wallmeier”) in view of Fabiny et al. (U.S. Patent No. 6,747,799; hereinafter “Fabiny”). Claims 3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallmeier in view of Fabiny, and further in view of Fan et al. (U.S. Patent No. 6,408,005; hereinafter “Fan”). Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallmeier in view of Fabiny, and further in view of Biroux et al. (Quality of Service in ATM Networks: State-of-the-Art Traffic Management; hereinafter “Biroux”). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallmeier in view of Fabiny, and further in view of Bisson et al. (U.S. Publication No. 2003/0059159; hereinafter “Bisson”). For at least the following reasons, Applicant respectfully traverses the rejections.

Claim 1 recites a scheduler device for scheduling a transmission of data from a plurality of queues in a source node to a plurality of destination nodes via a plurality of outlet ports of said source node, said scheduler device comprising, *inter alia*

a plurality of servers, each being associated with a respective one of a plurality of resources and each comprising a scheduler module which is independent for each of said servers, wherein at least one of said plurality of resources is used for transmitting data to more than one of said plurality of destination nodes.

The Examiner acknowledges that Wallmeier fails to disclose the claimed feature of “wherein at least one of said plurality of resources is used for transmitting data to more than one of said plurality of destination nodes” as recited in claim 1. Instead, the Examiner relies on Fabiny to address this deficiency of Wallmeier.

Fabiny discloses a wavelength router 510 which accepts “light having a plurality N of spectral bands at an input port 412, and [which directs] subsets of the spectral bands to desired ones of a plurality M of output ports” (col. 8, lines 23-28). Light entering the wavelength router 510 “forms a diverging beam 518, which includes the different spectral bands” (col. 8, lines 32-33). Specifically, with respect to beams 526 and 526’ shown in FIGS. 5A-5C, after encountering the retroreflectors 530(1) through 530(N), the beams are “directed back, as diverging beams to the lens 520 where they are collimated, and directed again to the grating 525” (col. 8, lines 42-52). The beams are then directed back to the lens 520 by the grating 525 after the angular separation between the different beams is removed (col. 8, lines 52-54). The lens 520 then directs “each beam to one or another of output ports 515” (col. 8, lines 59-60). That is, Fabiny discloses that each of the spectral bands (i.e. alleged claimed resources) is directed to “one or another” of output ports 515. In contrast, the claimed invention recites “wherein at least one of said plurality of resources is used for transmitting data to more than one of said plurality of destination nodes”. Fabiny does not teach or suggest using a single spectral band for transmitting data to more than one output ports.

Neither Fan, Biroux nor Bisson, independently or in combination, address the above identified deficiencies of Wallmeier and Fabiny.

Accordingly, Applicant respectfully submits that claim 1 is patentable over the applied references. Applicant further submits that claims 2-15 are patentable at least by virtue of their dependency on claim 1.

### III. New Claims

Applicant adds new claim 16, support for which may be found at least in paragraph 35 of the published application. Applicant respectfully submits that claim 16 is patentable at least by virtue of its dependency on claim 1, and at least by virtue of the subject matter recited therein.

### IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Application No.: 10/669,648

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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